

Our reference: **ACTHDFOI22-23.55**



Dear 

### **DECISION ON YOUR ACCESS APPLICATION**

I refer to your application under section 30 of the *Freedom of Information Act 2016* (FOI Act), received by ACT Health Directorate (ACTHD) on **Tuesday 27 June 2023**.

This application requested access to:

*'Emails exchanged between Calvary Health Care and the Northside Hospital Project Team within the ACT Health Directorate pertaining to the compulsory acquisition to build a new hospital in Canberra's north between May 9 2023 and May 19 2023.'*

I am an Information Officer appointed by the Director-General of ACT Health Directorate (ACTHD) under section 18 of the FOI Act to deal with access applications made under Part 5 of the Act. ACTHD was required to provide a decision on your access application by **Tuesday 29 August 2023**.

I have identified five documents holding the information within scope of your access application. These are outlined in the schedule of documents included at Attachment A to this decision letter.

#### **Decisions on access**

I have decided to grant partial access to all five documents.

My access decisions are detailed further in the following statement of reasons and the documents released to you are provided as Attachment B to this letter.

In reaching my access decision, I have taken the following into account:

- The FOI Act;
- The contents of the documents that fall within the scope of your request;
- The views of relevant third parties; and
- The *Human Rights Act 2004*.

#### **Partial Access**

I have decided to grant partial access to all five documents.

Document at reference 1 is partially comprised of information classified as Cabinet information, and under Schedule 1.6 (1) Cabinet Information, it is taken to be contrary to the public interest to release. Schedule 1.6 (1)(d) the disclosure of which would reveal any deliberation of Cabinet (other than through the official publication of a Cabinet decision). This document is also partially comprised of personal information such as email addresses and phone numbers of non-government employees and mobile numbers of ACT-Government employees in accordance with Schedule 2, 2.2 (a)(ii) prejudice the protection of an individual's right to privacy or any other right under the *Human Rights Act 2004* and information that would be contrary to the public interest in accordance with Schedule 2, 2.2 (a)(xiii) prejudice the competitive commercial activities of an agency.

Documents at references 2-4 are partially comprised of personal information.

Document at reference 5 is partially comprised of personal information and competitive commercial activities of an agency.

The above documents all contain partial information that I consider, on balance, to be contrary to the public interest to disclose under the test set out in section 17 of the Act.

#### Public Interest Factors Favouring Disclosure

The following factors were considered relevant in favour of the disclosure of the documents:

- Schedule 2, 2.1 (a)(i) promote open discussion of public affairs and enhance the government's accountability;
- Schedule 2, 2.1 (a)(ii) contribute to positive and informed debate on important issues or matters of public interest;
- Schedule 2, 2.1 (a)(iv) ensure effective oversight of expenditure of public funds; and
- Schedule 2, 2.1 (a)(viii) reveal the reason for a government decision and any background or contextual information that informed the decision.

#### Public Interest Factors Favouring Non-Disclosure

The following factors were considered relevant in favour of the non-disclosure of the documents:

- Schedule 2, 2.2 (a)(ii) prejudice the protection of an individual's right to privacy or any other right under the *Human Rights Act 2004*; and
- Schedule 2, 2.2 (a)(xiii) prejudice the competitive commercial activities of an agency.

In undertaking the public interest test, on balance, I determine the information identified is contrary to the public interest and I have decided to not disclose this information. As specified against each document in the schedule, disclosure of this information would have the detrimental effect of reducing the competitive ability of non-government organisations as well as reasonable expectation to reduce the ability of Government to engage external contractors and/or prejudice the right to privacy of the individuals involved.

#### Charges

Processing charges are not applicable to this request.

#### Disclosure Log

Under section 28 of the FOI Act, ACTHD maintains an online record of access applications called a disclosure log. The scope of your access application, my decision and documents released to you will be published in the disclosure log not less than three days but not more than 10 days after the date of this decision. Your personal contact details will not be published.

<https://www.health.act.gov.au/about-our-health-system/freedom-information/disclosure-log>.

### **Ombudsman review**

My decision on your access request is a reviewable decision as identified in Schedule 3 of the FOI Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in ACT Health's disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision you may write to the Ombudsman at:

The ACT Ombudsman  
GPO Box 442  
CANBERRA ACT 2601  
Via email: [ACTFOI@ombudsman.gov.au](mailto:ACTFOI@ombudsman.gov.au)  
Website: [ombudsman.act.gov.au](http://ombudsman.act.gov.au)

### **ACT Civil and Administrative Tribunal (ACAT) review**

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal  
Level 4, 1 Moore St  
GPO Box 370  
Canberra City ACT 2601  
Telephone: (02) 6207 1740  
<http://www.acat.act.gov.au/>

### **Further assistance**

Should you have any queries in relation to your request, please do not hesitate to contact the FOI Coordinator on (02) 5124 9831 or email [HealthFOI@act.gov.au](mailto:HealthFOI@act.gov.au).

Yours sincerely



Caitlin Bladin  
**Executive Branch Manager**  
Infrastructure and Engagement  
ACT Health Directorate


27 August 2023

## FREEDOM OF INFORMATION SCHEDULE OF DOCUMENTS

Please be aware that under the *Freedom of Information Act 2016*, some of the information provided to you will be released to the public through the ACT Government's Open Access Scheme. The Open Access release status column of the table below indicates what documents are intended for release online through open access.

Personal information or business affairs information will not be made available under this policy. If you think the content of your request would contain such information, please inform the contact officer immediately.

Information about what is published on open access is available online at: <http://www.health.act.gov.au/public-information/consumers/freedom-information>

APPLICANT NAME	WHAT ARE THE PARAMETERS OF THE REQUEST	FILE NUMBER
	<i>'Emails exchanged between Calvary Health Care and the Northside Hospital Project Team within the ACT Health Directorate pertaining to the compulsory acquisition to build a new hospital in Canberra's north between May 9 2023 and May 19 2023.'</i>	<b>ACTHDFOI22-23.55</b>

Ref Number	Page Number	Description	Date	Status Decision	Factor	Open Access release status
1.	1	Email – Follow-up	08 May 2023	Partial Release	Schedule 1.6 Cabinet, Schedule 2, 2.2(a)(ii) Privacy and Schedule 2, 2.2(a)(iii) Commercial	YES
2.	2 – 6	Email and attachment – RE: Meeting 8 May – 15:00	09 May 2023	Partial Release	Schedule 2, 2.2(a)(ii) Privacy	YES
3.	7 – 11	Email – RE: Meeting 8 May – 15:00	09 May 2023	Partial Release	Schedule 2, 2.2(a)(ii) Privacy	YES

4.	12	Email – Childcare Centre	11 May 2023	Partial Release	Schedule 2, 2.2(a)(ii) Privacy	YES
5.	13	Email – Further meetings	11 May 2023	Partial Release	Schedule 2, 2.2(a)(ii) Privacy and Schedule 2, 2.2(a)(iii) Commercial	YES
Total Number of Documents						
5						

**From:** Lopa, Liz (Health)  
**Sent:** Monday, 8 May 2023 10:40 AM  
**To:** [REDACTED]  
**Cc:** Cross, Rebecca (Health); Peffer, Dave (Health)  
**Subject:** Follow-up

**OFFICIAL: Sensitive**

Hi Ross

Just following up on the conversation this morning – specifically three things.

Schedule 1.6

#### Staff announcement

As discussed, the Territory is planning on making announcements on Wednesday. Our aim was to give Calvary time to work through what you want to say to staff and ideally we would make announcements at the same time. We have not told ACTHD executive. We would like to understand when you would like to tell your staff, as I think we can predict that once a staff announcement goes out, it will be public and we should make sure no staff find out through the media.

Schedule 2.2(a)(xiii)

Thanks

Liz

**Liz Lopa | Deputy Director General (a/g)**

**Infrastructure and Engagement**

**ACT Health Directorate**

Pronouns: she/her

Mobile [REDACTED]

[www.health.act.gov.au](http://www.health.act.gov.au)



**From:** Lopa, Liz (Health)  
**Sent:** Tuesday, 9 May 2023 12:41 PM  
**To:** Ross Hawkins; Cross, Rebecca (Health); Pepper, Dave (Health)  
**Cc:** Caila Waring  
**Subject:** RE: Meeting 8 May - 15:00  
**Attachments:** Communications Runsheet for Calvary - cleared.docx

**OFFICIAL: Sensitive**

Hi Ross

Please find the comms details for tomorrow and into next week, including the staff forums to support staff in understanding the process and what this means to them.

As discussed in our meeting yesterday, our priority is looking after staff and ensuring they do not find out from the media and I know this is also your priority. Dave and I are happy to discuss staff comms with you further.

Thanks

Liz

---

**From:** Ross Hawkins [redacted]  
**Sent:** Tuesday, 9 May 2023 12:21 PM  
**To:** Lopa, Liz (Health) <Liz.Lopa@act.gov.au>; Cross, Rebecca (Health) <Rebecca.Cross@act.gov.au>; Pepper, Dave (Health) <Dave.Pepper@act.gov.au>  
**Cc:** Caila Waring [redacted]  
**Subject:** RE: Meeting 8 May - 15:00

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Thanks Liz,

Do we have a timeframe for when these might be available? I'm very conscious that the ACT Government intends to make an announcement tomorrow and the only information I currently have is the Ministers letter that was presented yesterday.

Kind Regards,

**Ross Hawkins**  
 Regional Chief Executive Officer – ACT



Little Company of Mary Health Care Ltd  
 Cnr Belconnen Way & Haydon Drive, Bruce, ACT, 2617

E [redacted]  
 T [redacted]

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**From:** Lopa, Liz (Health) <[Liz.Lopa@act.gov.au](mailto:Liz.Lopa@act.gov.au)>

**Sent:** Tuesday, 9 May 2023 11:14 AM

**To:** Ross Hawkins [Schedule 2.2(a)(ii)] Cross, Rebecca (Health) <[Rebecca.Cross@act.gov.au](mailto:Rebecca.Cross@act.gov.au)>;

Peffer, Dave (Health) <[Dave.Peffer@act.gov.au](mailto:Dave.Peffer@act.gov.au)>

**Cc:** Caila Waring [Schedule 2.2(a)(ii)]

**Subject:** Re: Meeting 8 May - 15:00

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OFFICIAL

Thanks Ross

We are actioning these requests for you and will get you your required information as soon as possible. In the mean time have you had any more discussions internally about a position on Clare Holland House? The Minister is mindful that we will need to have some clarity for staff when announcements are made.

Thanks

Liz

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**From:** Ross Hawkins [Schedule 2.2(a)(ii)]

**Sent:** Tuesday, May 9, 2023 7:53:27 AM

**To:** Cross, Rebecca (Health) <[Rebecca.Cross@act.gov.au](mailto:Rebecca.Cross@act.gov.au)>

**Cc:** Lopa, Liz (Health) <[Liz.Lopa@act.gov.au](mailto:Liz.Lopa@act.gov.au)>; Caila Waring [Schedule 2.2(a)(ii)]

**Subject:** Meeting 8 May - 15:00

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Dear Rebecca,

When we met yesterday afternoon I highlighted that there were several key pieces of information that we would appreciate copies of. These include:

- The current draft of the legislation and regulations the Territory intends to introduce on Thursday
- Confirmation that reasonable costs incurred by Calvary will be reimbursed. Noting that these costs will be incurred from yesterday at the point the Territory notified Calvary of its intent.
- The current time line and announcement schedule planned by the Territory.
- I note that you also requested from Calvary our position on CHH.



If we could obtain this information as quickly as possible, this will assist us in formulating a response.

Kind Regards,

**Ross Hawkins**

Regional Chief Executive Officer – ACT



Little Company of Mary Health Care Ltd

Cnr Belconnen Way & Haydon Drive, Bruce, ACT, 2617

E: Schedule 2.2(a)(ii)

T:

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Date / time	What
Wed 10 May morning	Stakeholder briefing – Industrial Partners; Community Organisations and partners; media
Wed 10 May Lunchtime	<b>Public Announcement</b> At the time of public announcement, staff messages will be sent out.
Thursday 11 May	Legislation introduced
Thurs 11 May	<p>Workforce Support Sessions – AIS &amp; CH</p> <p>Workforce Support Sessions are open to all workforce including current CPHB staff and CHS staff.</p> <p><b>Staff are welcome to attend any session – they are not site specific</b></p> <p><i>Canberra Hospital</i></p> <ul style="list-style-type: none"> <li>- 2pm-3pm (in person)</li> </ul> <p><i>AIS</i></p> <ul style="list-style-type: none"> <li>- 8-9am</li> <li>- 12-1pm</li> <li>- 4.30-5.30pm</li> </ul>
Fri 12 May	<p>Workforce Support Sessions – AIS</p> <ul style="list-style-type: none"> <li>- 8-9am</li> <li>- 12-1pm</li> <li>- 4-5pm</li> </ul>
Sat 13 May	<p>Workforce Support Sessions – Canberra Hospital</p> <ul style="list-style-type: none"> <li>- 3-4pm</li> </ul>
Sun 14 May	<p>Workforce Support Sessions – University of Canberra Hospital</p> <ul style="list-style-type: none"> <li>- 12-1pm</li> </ul>
Mon 15 May	Workforce Support Sessions – Canberra Hospital Auditorium
Tues 16 May	<p>Staff Support Sessions – University of Canberra Hospital</p> <ul style="list-style-type: none"> <li>- 1.30-2.30pm</li> </ul>
Wed 17 May	<p>Workforce Support Sessions – University of Canberra Hospital</p> <ul style="list-style-type: none"> <li>- 7.30-8.30am</li> </ul>

**Northside hospital****Activity:** Notification and announcement plan**Timing:** 9 May to 19 May 2023

Thurs 18 May	<p>Workforce Support Sessions – Canberra Hospital and University of Canberra Hospital</p> <p>Canberra Hospital Auditorium</p> <ul style="list-style-type: none"><li>- 3-3.30pm</li></ul> <p>University of Canberra Hospital</p> <ul style="list-style-type: none"><li>- 7.30-8.30pm</li></ul>
Fri 19 May	<p>Workforce Support Sessions – University of Canberra Hospital</p> <ul style="list-style-type: none"><li>- 12-1pm</li></ul>

**From:** Ross Hawkins [Schedule 2.2(a)(ii)]  
**Sent:** Tuesday, 9 May 2023 2:38 PM  
**To:** Lopa, Liz (Health)  
**Subject:** RE: Meeting 8 May - 15:00

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Acknowledged.  
Thanks Liz

**Ross Hawkins**  
Regional Chief Executive Officer – ACT



Little Company of Mary Health Care Ltd  
Cnr Belconnen Way & Haydon Drive, Bruce, ACT, 2617

E [Schedule 2.2(a)(ii)]  
T [redacted]

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**From:** Lopa, Liz (Health) <Liz.Lopa@act.gov.au>  
**Sent:** Tuesday, 9 May 2023 2:30 PM  
**To:** Ross Hawkins [Schedule 2.2(a)(ii)]; Cross, Rebecca (Health) <Rebecca.Cross@act.gov.au>;  
Peffer, Dave (Health) <Dave.Peffer@act.gov.au>  
**Cc:** Caila Waring [Schedule 2.2(a)(ii)]  
**Subject:** RE: Meeting 8 May - 15:00

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OFFICIAL

Hi Ross

I believe you have spoken to Dave Peffer about staff communications and he has confirmed that the Territory is happy for you to communicate with staff at 11am tomorrow. I just want to confirm this in writing – we would not see this as a breach of the CNA.

Thanks

Liz

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**From:** Ross Hawkins [Schedule 2.2(a)(ii)]  
**Sent:** Tuesday, 9 May 2023 12:53 PM  
**To:** Lopa, Liz (Health) <[Liz.Lopa@act.gov.au](mailto:Liz.Lopa@act.gov.au)>; Cross, Rebecca (Health) <[Rebecca.Cross@act.gov.au](mailto:Rebecca.Cross@act.gov.au)>; Peffer, Dave (Health) <[Dave.Peffer@act.gov.au](mailto:Dave.Peffer@act.gov.au)>  
**Cc:** Caila Waring [Schedule 2.2(a)(ii)]  
**Subject:** RE: Meeting 8 May - 15:00

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Thanks Liz – A discussion would be useful especially around the configuration of the stakeholder briefing tomorrow morning. Let me know what time works.

**Ross Hawkins**

Regional Chief Executive Officer – ACT



Little Company of Mary Health Care Ltd  
 Cnr Belconnen Way & Haydon Drive, Bruce, ACT, 2617

**E:** [Schedule 2.2(a)(ii)]  
**T:** [Schedule 2.2(a)(ii)]

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OFFICIAL: Sensitive

Hi Ross

Please find the comms details for tomorrow and into next week, including the staff forums to support staff in understanding the process and what this means to them.

As discussed in our meeting yesterday, our priority is looking after staff and ensuring they do not find out from the media and I know this is also your priority. Dave and I are happy to discuss staff comms with you further.

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Kind Regards,

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Cnr Belconnen Way & Haydon Drive, Bruce, ACT, 2617

E [redacted] Schedule 2.2(a)(ii)

T [redacted]

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 Pepper, Dave (Health) <[Dave.Pepper@act.gov.au](mailto:Dave.Pepper@act.gov.au)>  
**Cc:** Caila Waring [redacted]  
**Subject:** Re: Meeting 8 May - 15:00

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## OFFICIAL

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**To:** Cross, Rebecca (Health) <[Rebecca.Cross@act.gov.au](mailto:Rebecca.Cross@act.gov.au)>  
**Cc:** Lopa, Liz (Health) <[Liz.Lopa@act.gov.au](mailto:Liz.Lopa@act.gov.au)>; Caila Waring [redacted]  
**Subject:** Meeting 8 May - 15:00

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Dear Rebecca,

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**Ross Hawkins**  
 Regional Chief Executive Officer – ACT



Little Company of Mary Health Care Ltd  
Cnr Belconnen Way & Haydon Drive, Bruce, ACT, 2617

E Schedule 2.2(a)(ii)

T

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**From:** Lopa, Liz (Health)  
**Sent:** Thursday, 11 May 2023 2:11 PM  
**To:** Schedule 2.2(a)(ii) James Kemp  
**Subject:** Childcare Centre

OFFICIAL

Hi Ross and James

I hope you are both going OK. Can I ask about your consultation with the childcare centre on the Calvary site as part of your consultations on the master plan?

As you are aware, the new hospital is situated where the childcare centre is. We have had discussions with you about moving the centre in the past.

Just wanting to check in whether there was any consultation with the operator when you did your master planning consultation? If there hasn't been, would you be OK with me contacting them as I would like to assure discuss the process moving forward and reassure them there will be engagement from the Territory.

Thanks

Liz

Liz Lopa | Deputy Director General (a/g)

Infrastructure and Engagement

ACT Health Directorate

Pronouns: she/her

Mobile: Schedule 2.2(a)(ii)

[www.health.act.gov.au](http://www.health.act.gov.au)



**From:** Lopa, Liz (Health)  
**Sent:** Thursday, 11 May 2023 7:09 PM  
**To:** Schedule 2.2(a)(ii)  
**Subject:** Further meetings

OFFICIAL: Sensitive

Dear Ross

Following our meeting on Monday, subsequent letters and the Government's introduction of the Health Infrastructure Enabling Bill today, I would like to extend an invitation to a further meeting.

We would like to discuss priority matters relating to transition of the operations at Calvary Public Hospital Bruce to Canberra Health Services and the associated commercial considerations. As outlined in the Chief Minister's and Minister for Health's letter issued on 8 May 2023, your response and subsequent letter of 10 May.

Schedule 2.2(a)(xiii)

We intend that these discussions will remain confidential and without prejudice.

We look forward to your response and a further discussion.

Kind Regards,

Liz

Liz Lopa | Deputy Director General (a/g)

Infrastructure and Engagement

ACT Health Directorate

Pronouns: she/her

Mobile: Schedule 2.2(a)(ii)

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